

State of California  
Department of Fish and Wildlife



## Memorandum

Date: May 25, 2021

Governor's Office of Planning & Research

To: Mr. Michael Lee  
California Department of Transportation  
District 4  
Post Office Box 23660  
Oakland, CA 94623-0660  
[Michael.Lee@dot.ca.gov](mailto:Michael.Lee@dot.ca.gov)

May 25 2021

### STATE CLEARINGHOUSE

DocuSigned by:

*Gregg Erickson*

From: Mr. Gregg Erickson, Regional Manager

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California Department of Fish and Wildlife-Bay Delta Region, 2825 Cordelia Road, Suite 100, Fairfield, CA 94534

Subject: Interstate 580 Storm Drain Damage Permanent Restoration Project, Mitigated Negative Declaration, SCH No. 2021040620, County of Alameda

The California Department of Fish and Wildlife (CDFW) has reviewed the Interstate 580 Storm Drain Damage Permanent Restoration Project (Project) Initial Study/Mitigated Negative Declaration (IS/MND) as proposed by the lead agency, the California Department of Transportation (Caltrans) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup> Pursuant to our jurisdiction, CDFW is submitting comments on the IS/MND to inform Caltrans, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project. CDFW is providing these comments and recommendations regarding those activities involved in the Project that are within CDFW's area of expertise and relevant to its statutory responsibilities (Fish and Game Code, § 1802), and/or which are required to be approved by CDFW (CEQA Guidelines, §§ 15086, 15096 and 15204).

### CDFW ROLE

CDFW is a Trustee Agency with responsibility under CEQA §15386 for commenting on projects that could impact fish, plant and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

### IMPACTS SUMMARY

CDFW commends Caltrans for addressing, avoiding and minimizing potentially significant direct impacts to California tiger salamander (CTS) from permanent and

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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temporary direct upland habitat impacts. However, CDFW recommends the IS/MND is updated to address the potentially significant impacts for connectivity to CTS and the potentially significant indirect impacts to CTS that may result from continued and on-going take after construction is complete for the proposed culvert installation. Extending a currently existing corrugated metal pipe culvert from 30 linear feet to 410 linear feet has the potential to impede CTS movement from one side of the Interstate 580 (I-580) corridor to the other. Extending the culvert without installing an alternative movement route or without installing escape design features within the culvert system may also result in the potentially significant impact of continued and on-going take through entrapment of CTS and other wildlife species capable of entering the culvert.

The IS/MND should also be updated to provide additional information regarding the proposed drainage system, culvert outfall, intermittent stream systems and freshwater emergent wetlands known to exist downslope of eastbound I-580 that may be subject to the LSA Program.

## PROJECT DESCRIPTION SUMMARY

**Proponent:** California Department of Transportation (Caltrans)

**Description and Location:** The Project is located along the eastbound side of I-580 at Post Mile (PM) 4.3 in between the City of Livermore in Alameda County and the City of Tracy in San Joaquin County, in the State of California.

## ENVIRONMENTAL SETTING

The biological study area (BSA) consists of 3.78 acres within the Altamont Pass I-580 transportation corridor between Alameda County and the San Joaquin County line. The BSA is primarily composed of naturalized annual grassland, interspersed with shrubland habitat, freshwater emergent wetlands, intermittent streams and drainages, as well as the paved roadway of I-580.

CDFW commends the work conducted in the IS/MND for the Project that describes baseline habitat assessments for special-status plant, fish, and wildlife species potentially located within the Project area and surrounding lands, including all rare, threatened, or endangered species (CEQA Guidelines, §15380). Threatened, endangered, and other special-status species that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

- California tiger salamander (*Ambystoma californiense*; FT, ST)
- Western burrowing owl (*Athene cunicularia*, SSC)
- American badger (*Taxidea taxus*, SSC)
- California red-legged frog (*Rana draytonii*; FT, SSC)

FT = Federally Threatened; ST = State Threatened; SSC = State Species of Special Concern

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## **COMMENTS AND RECOMMENDATIONS**

CDFW has provided the comments below and recommendations to assist Caltrans in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources, including:

### **Comment 1: Project Staging Recommendations**

*Issue:* The current Project description presents information that Caltrans proposes to select a preferred staging location later in the Project development process at one of two staging areas, as specified on page 12 of the IS/MND and as specified in Figure 4 of the IS/MND.

*Recommendations:* CDFW recommends Staging Area 2 is selected as the preferred staging location in the updated IS/MND to avoid and minimize additional take of CTS. The I-580 corridor has known occurrences of CTS that have been found deceased on the pavement of I-580 and reported to the California Natural Diversity Database (CNDDDB Occurrence #1386). Therefore, the potential for CTS to persist in naturalized landscape all the way up to the roads edge is likely. Staging Area 2 occurs in a previously disturbed, gravel roadside staging area that has the appropriate permanent exclusion structures in place to keep CTS from accessing I-580 and the staging area. Staging Area 1 occurs in naturalized habitat and has the increased potential for take of CTS to occur during construction.

### **Comment 2: Lake and Streambed Alteration Notification**

*Issue:* CDFW requires additional information to determine if the area identified for scour mitigation is subject to notification under the LSA Program. Additional information is also necessary to determine if the proposed outfall structure at the downslope terminus of the proposed new 410-linear-foot culvert is subject to notification under the LSA Program.

*Recommendations:* The updated IS/MND should include include maps, design drawings, figures and descriptions that illustrate the design array of known drainage systems, culvert systems, intermittent stream systems and freshwater emergent wetland systems. This information will assist CDFW in determining if the programmed work is potentially subject to notification under the LSA Program.

### **Comment 3: Indirect California Tiger Salamander Take Avoidance and Connectivity**

*Issue:* The IS/MND does not adequately discuss if the Project has the potential to substantially restrict the dispersal of CTS through the I-580 corridor or result in continued and on-going take of CTS.

*Evidence Impact Would be Significant:* Due to known occurrences of CTS within a reasonable dispersal distance of the Project and known mortality of CTS on the roadway of I-580 (CNDDDB Occurrence# 1380), any individual culvert, drainage or undercrossing has the potential to be utilized as a connectivity structure for movement.

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Multiple stock ponds exist on either side of the I-580 corridor that can be easily observed from aerial imagery. The presence of CTS and known stock ponds on both sides of I-580 further reinforces the concept that CTS have a high potential to disperse between and on both sides of I-580. CDFW strongly recommends that the updated IS/MND provides details on the layout of the existing culvert and the layout of any associated culvert systems in the vicinity of the Project area to determine if this structure has the capability providing connectivity for dispersal of the species. The updated information should include maps, design drawings, figures and updated descriptions that illustrate the design array of known culvert drainage systems.

Furthermore, extending the proposed culvert from a length of 30 linear feet to 410 linear feet has the potential to result in continued and on-going take of CTS by creating a structure that individuals may become trapped in and unable to escape from, resulting in injury, decreased survivorship or mortality. The updated IS/MND should discuss the potential for this action to occur and incorporate the appropriate avoidance and minimization measures as conditions of approval to reduce impacts below a level of significance as required by CEQA.

*Recommendation 1, California Tiger Salamander Survey for Connectivity:* A study should be developed to determine if the culvert proposed for removal is utilized for movement by CTS. The study should conduct monitoring prior to the initiation of construction, over the course of at least 12 months and include monitoring during the mating season of CTS, utilizing game trail cameras and other focused methods to determine if the structure is used by CTS for connectivity and dispersal.

*Recommendation 2, Crossing Structure Preservation or Installation:* The currently existing 30-linear-foot culvert should be protected in place or a new structure that provides connectivity should be installed within the vicinity of the previously existing culvert. The proposed structure should then be monitored for a minimum of 12 months after construction. Directional fencing or permanent barriers should also be installed to keep individuals from being able to access I-580 and the new 410-linear-foot culvert as noted below. This avoidance strategy may be utilized in absence of the extended monitoring period prior to construction noted in Recommendation 1.

*Recommendation 3, Permanent Drainage Exclusion or Escape Device Installation:* To prevent inadvertent take by entrapment in the proposed 410-linear-foot culvert drain structure permanent exclusion structures such as directional fencing or other devices at the culvert inlet should be employed in consultation with the wildlife agencies. The designs should be included in the updated IS/MND in the form of engineered design drawings. The exclusion structure and directional fencing should be designed to direct potential movement away from I-580 and the 410-linear-foot structure. Escape devices, such as gully pots, may be a reasonable alternative, or installed in conjunction with exclusionary devices in consultation with the wildlife agencies to allow small amphibians like CTS to escape from the inlet of the 410-linear-foot culvert.

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## **CONCLUSION**

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California's fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

Questions regarding this letter or further coordination should be directed to Mr. Robert Stanley, Senior Environmental Scientist (Specialist), at (707) 428-2093 or [Robert.Stanley@wildlife.ca.gov](mailto:Robert.Stanley@wildlife.ca.gov); or Mr. Wesley Stokes, Senior Environmental Scientist (Supervisory), at [Wesley.Stokes@wildlife.ca.gov](mailto:Wesley.Stokes@wildlife.ca.gov).

cc: State Clearinghouse # 2021040620